

FILED

SHAHIDA ALI  
688 FEATHERWOOD DRIVE  
DIAMOND BAR, CA 91765  
Pro Per

2010 JUN -4 PM 2:37

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA- WESTERN DIVISION

SHAHIDA ALI,

Plaintiff,

-VS-

DOWNEY SAVINGS AND LOAN;  
CENTRAL MORTGAGE COMPANY;  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY; and DOES 1-100, Inclusive

Defendants.

) Case No.: CV10-3798 GAF (FMOx)

) Los Angeles County Case No.: KC058246

) **PLAINTIFF'S OPPOSITION FOR**  
) **JUDICIAL NOTICE RE; MOTION TO**  
) **DISMISS COMPLAINT AGAINST**  
) **CENTRAL MORTGAGE COMPANY**  
) **AND DEUTSCHE BANK NATIONAL**  
) **TRUST COMPANY AS TRUSTEE FOR**  
) **DOWNEY 2006-AR1 FOR INVALID**  
) **REMOVAL BASED ON DEFAULT AND**  
) **CONSENT FROM ALL PARTIES**

) Date: June 28, 2010

) Time: 9:30 a.m.

) Ctrm: 740

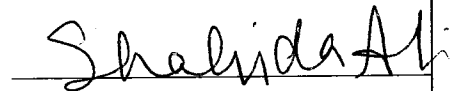
Plaintiff, Shahida Ali, hereby request that the Court deny the request for judicial notice pursuant to 28 USC § 1446[b]), making initial removal invalid and based on the fact that Defendant Deutsche Bank National Trust is in Default with the original complaint in the California Superior Court, County of Los Angeles, not giving them authority to dismiss themselves from the complaint.

Exhibit A – Proof of Service on April 19, 2010, done by Angeles Legal Services and served to an authorized agent for Deutsche Bank National Trust Company.

1 Exhibit B – Proof of phone records showing the due diligence and efforts by  
2 Plaintiff's taken in contacting the mortgage companies in an attempt to resolve the foregoing  
3 matters.

4 Exhibit C – Proof of Service to Defendants Central Mortgage Company and  
5 Downey Savings and Loan completed by Angeles Legal Services.

6  
7 Dated: June 04, 2010  
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11 SHAHIDA ALI  
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# **EXHIBIT “A”**

POS-010

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Shahida Ali Shahida Ali 688 Featherwood Dr. Diamond Bar, CA 91765  <b>TELEPHONE NO.:</b>  <b>ATTORNEY FOR:</b>	<b>FOR COURT USE ONLY</b>  <b>ORIGINAL FILED</b> <b>MAY 12 2010</b> <b>LOS ANGELES</b> <b>SUPERIOR COURT</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> <b>STREET ADDRESS:</b> 400 Civic Center Plaza <b>CITY AND ZIP CODE:</b> Pomona, 91766 <b>BRANCH NAME:</b> Pomona ( Unlimited )	
<b>PLAINTIFF:</b> Shahida Ali <b>DEFENDANT:</b> Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	<b>CASE NUMBER:</b> KC 058246 H
<b>PROOF OF SERVICE OF SUMMONS</b>	<b>Ref. No. or File No.:</b>

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - f. other (specify documents):  
 Summons, Complaint, Civil Case Cover Sheet, Civil Case Cover Sheet Addendum, ADR Information Package.
3. a. **Party served:**  
 Deutsche Bank National Trust Company
  - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made):  
 Suzanne Patten / Authorized Agent
4. **Address where the party was served:**  
 1761 E. Saint Andrew Pl., Santa Ana, CA 92705
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party on 4/19/2010 at 4:25 pm
6. The "Notice to the Person Served" (on the summons) was completed as follows:
  - d. On behalf of: Deutsche Bank National Trust Company  
 under the following Code of Civil Procedure section:  
 415.95 (business organization, form unknown)
7. **Person who served papers**
  - a. **Name:** J. Hernandez  
 Firm: Angeles Legal Services
  - b. **Address:** 10808 Foothill Blvd., Suite # 160, Rancho Cucamonga, CA 91730
  - c. **Telephone number:** (909) 821-0984
  - d. **The fee for the service was:** \$55.00
  - e. I am:
    - (3) a registered California process server:
      - (i) independent contractor
      - (ii) Registration No.: 1208
      - (iii) County: Riverside


Page 1 of 2

<b>PLAINTIFF:</b> Shahida Ali <b>DEFENDANT:</b> Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	<b>CASE NUMBER:</b> KC 058246 H
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8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/10/10

J. Hernandez  
\_\_\_\_\_  
(NAME OF PERSON WHO SERVED PAPERS)

▶   
\_\_\_\_\_  
(SIGNATURE)

# **EXHIBIT “B”**



## Minutes Used

Wireless Usage ZAINAB		
<b>FamilyTalk Nation 3000 Rollover &amp; Unlimited Night/Weekend &amp; Unlimited Mobile-To-Mobile Minutes</b>		
<b>Current Usage Summary - Minutes ZAINAB</b>		
<b><u>ANYTIME MINUTES</u></b>	<b><u>NIGHTS &amp; WEEKENDS</u></b>	<b><u>MOBILE TO MOBILE</u></b>
930	43	125
Current Usage displayed as of: 02/04/2010, 09:02 PM		
<u>Important Information</u>		
<b>Next Bill Cycle:</b> 02/10/2010		
Select the Type of Details to View:		
<b><u>Current View - Minutes</u></b>   <u>Data</u>		Phone Book <u>What's this?</u> On   <u>Off</u>   <u>Manage</u>
<b>MINUTES DETAIL</b> (View all your minutes used)		<u>Back to Usage Summary</u>
Click column headers to sort.		

01/20 01:22 PM	Toll Free	800-806-2132	DT
01/20 01:09 PM	Toll Free	800-806-2132	DT

DATE TIME	CALL TO	NUMBER CALLED	RATE PERIOD	FEATURE MINUTES
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01/19 01:18 PM	Toll Free	800-366-2132	DT	12
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01/19 12:11 PM	INCOMING	501-716-5600	DT	5
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01/15 03:40 PM	Toll Free	800-366-2132	DT	1
01/15 03:35 PM	Toll Free	800-366-2132	DT	6



E MINUTES

01/15 01:42 PM	Toll Free	800-366-2132	DT	70
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**Important:** There are delays in reporting and processing call records. It may take up to two to five days for airtime usage on the AT&T wireless network to show up in any Minutes "Used" category. Additional delays may occur due to technical difficulties. Further delays may apply to roaming usage, which is based on call records received from other carriers. A delay of a minimum of two to ten days for roaming usage is usual and up to 60 days or longer is possible. During the time your invoice is being processed, you may not be able to view your usage or you may experience additional delays in reporting of usage. Minutes used in excess of those available will either be deducted from available Rollover or from another category of usage for which that call is eligible. Minutes "Used" may reflect airtime for unanswered voice mails, administrative calls, and other calls for which you are not billed. This usage information is only an estimate and, regardless of what is shown, your next invoice will be determined by the information contained in our billing system, not this usage information.

**Legend\*:**

**Rate Period (PD):** DT (Daytime Minutes); NW (Night & Weekend Minutes); P (Peak Minutes); N (Night Minutes); W (Weekend Minutes); O (Off-Peak Minutes)

**Call To:** VMAIL (Voicemail); CALL WAIT (Call Waiting); \*\* (International Call Terminated To Mobile)

**Feature:** 1 (PTT One-to-One event); B (Direct Assistant Call Complete); C (Call Waiting); CW (Call Waiting); D (Data Call); d (Directory Assistance); F (Call Forwarding); g (Push to Talk Group Event); H (Group Mobile-to-Mobile Calls); I (Incoming Call); K (Fax Call); L (Expanded Calling); M (Mobile-to-Mobile Discount); M2AN (A-List); M2MCNG (Expanded Mobile To Mobile); MCELL (MicroCell Unlimited Voice); N (Off-Network); P (Priority Access Service); R (Roam with Home); S (Shared Minutes); T (Three Way Calling); V (V-VPN); v (Voice Activated Dialing); VM (Voice Mail); W (Nights & Weekends); Y (Voicemail Return Call); 9 (Unity/Expanded Calling)

\*The codes shown in this legend are most commonly used with Wireless service from AT&T. Additional codes may be present when viewing your bill online.

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DATE	TIME	CALL TO	NUMBER CALLED	RATE PERIOD	FEATURE MINUTES
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02/01	01:34 PM	Toll Free	<u>800-366-2132</u>	DT	5
02/01	01:34 PM	Toll Free	<u>800-366-2132</u>	DT	1
02/01	01:13 PM	Toll Free	<u>800-366-2132</u>	DT	19

# **EXHIBIT “C”**

ATTORNEY OR PARTY WITHOUT ATTORNEY <b>SHAHIDA ALI</b> 688 FEATHERWOOD DR 91766 TELEPHONE NO.: (916) 888-5176 ATTORNEY FOR:	FOR COURT USE ONLY  <b>ORIGINAL FILED</b> MAY 20 2010 <b>LOS ANGELES SUPERIOR COURT</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 400 CIVIC CENTER PLAZA POMONA CA 91766	
PLAINTIFF: SHAHIDA ALI DEFENDANT: DOWNEY SAVINGS AND LOAN; CENTRAL MORTGAGE COMPANY; DEUTSCHE BANK NATIONAL TRUST COMPANY; AND DOES I- 10C, INCLUSIVE	CASE NUMBER: K C058246 E
PROOF OF SERVICE	Ref. No. or File No.:

1. I am over 18 years of age and not a party to this action.
  2. Received by ACTION PROCESS SERVICE to be served on CENTRAL MORTGAGE COMPANY, AT: 801 JOHN BARROW, STE. #1, LITTLE ROCK, AR 72205.
  3. Central Mortgage Company by serving the President: Bill Roehrenbeck at the
  4. Date and Time of service: work address provided.  
5-12-2010 3:55 pm
  5. Description of Person Served: Age: , Sex: , Race/Skin Color: , Height: , Weight: , Hair: , Glasses:  
59 m white 5'9" 170 Gray N
  6. My name, address, telephone number, and, if applicable, county of registration and number are:  
 Name: CHUCK (CHARLES) GORDON-  
 Firm: ACTION PROCESS SERVICE  
 Address: 3215 Laredo Drive, Little Rock, AR 72206  
 Telephone number: (501) 888-5706  
 The fee for the service was:
  7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- Date:

CHUCK (CHARLES) GORDON

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

Served Bill Roehrenbeck, President, at work place provided.

POS-010

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Shahida Ali Shahida Ali 688 Featherwood Dr. Diamond Bar, CA 91765  <b>TELEPHONE NO.:</b>  <b>ATTORNEY FOR:</b>	<b>FOR COURT USE ONLY</b>  <b>ORIGINAL FILED</b>  <b>MAY 12 2010</b>  <b>LOS ANGELES SUPERIOR COURT</b>  <i>31 FAX 2010</i>  <b>CASE NUMBER:</b> KC 058246 H  <b>Ref. No. or File No.:</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> <b>STREET ADDRESS:</b> 400 Civic Center Plaza <b>CITY AND ZIP CODE:</b> Pomona, 91766 <b>BRANCH NAME:</b> Pomona ( Unlimited )	
<b>PLAINTIFF:</b> Shahida Ali <b>DEFENDANT:</b> Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	
<b>PROOF OF SERVICE OF SUMMONS</b>	

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - f. other (specify documents):  
 Summons, Complaint, Civil Case Cover Sheet, Civil Case Cover Sheet Addendum, ADR Information Package.
3. a. **Party served:**  
 Downey Savings and Loan
  - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made):  
 Judy Wong / Authorized Agent
4. **Address where the party was served:**  
 1 California St., San Francisco, CA 94111
5. I served the party
  - a. by **personal service**. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party on 5/11/2010 at 12:30 pm
6. The "Notice to the Person Served" (on the summons) was completed as follows:
  - d. On behalf of: Downey Savings and Loan  
 under the following Code of Civil Procedure section:  
 415.95 (business organization, form unknown)
7. **Person who served papers**
  - a. **Name:** A. Esquer  
 Firm: Angeles Legal Services
  - b. **Address:** 10808 Foothill Blvd., Suite # 160, Rancho Cucamonga, CA 91730
  - c. **Telephone number:** (909) 821-0984
  - d. **The fee for the service was:** \$95.00
  - e. I am:
    - (3) a registered California process server:
      - (i) independent contractor
      - (ii) Registration No.: 1009
      - (iii) County: San Francisco

Page 1 of 2

PLAINTIFF: Shahida Ali	CASE NUMBER:
DEFENDANT: Downey Savings and Loans, Central Mortgage Company, Deutsche Bank National Trust Company.	KC 058246 H

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 05-11-10

A. Esquer

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)